



UNITED STATES PATENT AND TRADEMARK OFFICE

APR 21 2005

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Caesar, Rivise, Bernstein, Cohen
& Pokotilow, Ltd.
11TH FLOOR, Seven Penn Center
1635 Market Street
Philadelphia, PA 19103-2212

In re Application of :
Cheryl Steed *et al* :
Application No. 09/922,239 : DECISION ON PETITION
Filed: August 3, 2001 :
Attorney Docket No. G2001/20004 :

This is a decision on the petition filed on July 28, 2004 by which petitioners request withdrawal of the holding that this application is abandoned for failure to file a timely and proper reply to the Office letter dated September 24, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that this application is not abandoned because petitioners did not receive the Office letter in question. Therefore, a reply thereto could not be filed. In support of this allegation, petitioner has made a showing establishing that a new Power of Attorney and change of correspondence address had in fact been filed on August 18, 2003, but apparently had either not been received in the Office or, if received in the Office, had not been properly entered into the application file. As a result of the failure to enter the new power of attorney and change of correspondence address, the Office letter in question was sent to an erroneous correspondence address. Based upon these circumstances, it is clear that this application is not abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for Technology Center 3700 to have the application placed in a pending status, reflecting the amendment that was filed concurrently with the petition. It is unnecessary to remail the Office action dated September 24, 2003 because petitioners have received a copy of the action by facsimile transmission and have in fact filed the amendment dated July 28, 2004 as a reply thereto.

After the application is placed in a pending and amended status, will be forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3728 for immediate action.

PETITION GRANTED.

E. R. Kazenske, Director
Technology Center 3700